

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

AT JODHPUR

::::

JUDGMENT

STATE OF RAJ.

VS HEEMTA RAM

& ORS.

D.B. CIVIL SPECIAL APPEAL (W) NO.547/1995
AGAINST THE ORDER DATED 11.2.1993 IN
S.B. CIVIL WRIT PETITION NO.2995/1992.

DATE OF ORDER :: 10.8.2006

PRESENT
HON'BLE SHRI S.N. JHA, C.J.
HON'BLE SHRI MOHAMMAD RAFIQ, J.

Mr.Rameshwar Dave, Dy. Government Advocate, for the appellant.

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This special appeal is directed against the order of the learned Single Judge disposing of the writ petition of the appellant with a direction that the annual increments due to him during the suspension period alongwith arrears be paid without prejudice to the inquiry. The learned Judge relied on a decision of this Court in Kan Singh Vs. State of Rajasthan 1989 (1) RLR 111.

We are clearly of the view that notwithstanding the suspension of a government servant, the annual grade increments falling due to him

during the suspension period cannot be denied. May be that during the suspension period he is paid only subsistence allowance and at the end of the departmental proceeding, depending on its outcome decision is taken not to pay him anything beyond subsistence allowance. Even in that case the amount has to be worked out taking into account the annual grade increments due to him during the period, for, otherwise withholding of increment would amount to punishment. Withholding of increment is one of the penalties specified under rule 14 of the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958 which cannot be imposed without regular inquiry in accordance with law.

We thus do not find any infirmity in the order of the learned Single Judge to call for any interference. The appeal is dismissed.

(MOHAMMAD RAFIQ), J.

(S.N. JHA), CJ.

c.p.goyal/-